
Publish date:
3/12/2010

WQC number: 889-5013-WQC-1

Public Notice

Closing Date:
4/10/2010

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

COMMONWEALTH OF KENTUCKY
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR NATURAL RESOURCES
DIVISION OF MINE PERMITS

APPLICATION FOR WATER QUALITY CERTIFICATION
FOR SURFACE COAL MINING ACTIVITIES

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the State which require federal permit or license are consistent with Kentucky's water quality standards found in 401 KAR Chapter 5. The Environmental and Public Protection Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at 502/564-2320.

1. OWNER:

Thoroughbred Mining Company, LLC

Give name of person(s), company, governmental unit, or other owner of proposed project.

MAILING ADDRESS:

c/o Peabody Energy 7100 Eagle Crest Boulevard Evansville, Indiana 47715

TELEPHONE #: 812-434-8500

EMAIL:

2. AGENT:

Scott McGarvie

Give name of person(s) submitting application, if other than owner.

ADDRESS:

Peabody Energy

7100 Eagle Crest Boulevard Evansville, Indiana 47715

TELEPHONE #: 812-434-8500

EMAIL: smogarvie@peabodyenergy.com

3. CONSULTANT

TELEPHONE #:

EMAIL:

4. DESCRIPTION OF CONSTRUCTION:

Coal mine surface facilities for an underground portal and beltline, including a
Describe the type and purpose of construction and describe stream impact

sediment control basin and associated ditches, as well as reclamation operations
which will be conducted through a jurisdictional stream. This is not an application

for a Permit to Construct Across or Along a Stream; it is only an application for Water Quality Certification for this work as authorized by a Section 404 Individual Permit (IP).

5. COUNTY: Mulhenberg NEAREST COMMUNITY: Central City

6. USGS QUAD NAME Central City West

LATITUDE/LONGITUDE: N 36°15'53" W 83°02'20"

7(a). STREAM NAME (List all stream reaches affected):

Unnamed tributary to Little Cypress Creek and unnamed tributaries to Green River

WATERSHED SIZE (above the toe of permanent structure for each stream reach) in acres:

Drainage area for the larger watershed near the portal is approximately
381 acres. The watershed sizes for the smaller streams in the beltline
corridor are both 6 acres each.

LINEAR FEET OF EACH STREAM IMPACTED (including flow regimes):

Impacts to 623 linear feet of intermittent stream and 3,338 linear feet of
ephemeral streams.

7(b). WETLANDS (Provide acreage of wetlands impacted): 5.63 acres PFO, 0.21 acre PEM,
and 0.42 acre PAB wetlands

8. DIRECTIONS TO SITE:

The site is 1/2 mile northwest of Central City, Kentucky, 1/2 mile south of
intersection of US 431 and KY 189 on KY 189, located north of Little Cypress Creek.
Please see Map A in Appendix C in the ACOE permit application.

9. HAS AN APPLICATION FOR A CORPS OF ENGINEERS 404 PERMIT BEEN SUBMITTED?

☒ Yes ☐ No TYPE OF PERMIT: NW 14 ☐ NW 21 ☐ NW 27 ☐ Individual ☒

10. DNR (SMCRA) Permit No. 889-5013 and KPDES No. Pending are
associated with this mining activity.

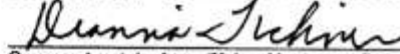
11. LIST OF ATTACHMENTS: List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.

1. Army Corps of Engineers Section 404 Individual Permit Application as submitted on October 1, 2007,
revised 12-07-2007

2. 7.5 Minute USGS Map showing project location and watershed boundary

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: (Dianna Tickner, President)



Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: 12-12-07

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC Coordinator
Division of Mine Permits
2 Hudson Hollow
Frankfort, KY 40601